

MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

October 24, 2002

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B152878 People v. Cliett
B154504 People v. Newman
B153905 People v. Martin
B151463 People v. Edie
B157191 People v. Ruiz
B156921 People v. Isidoro
B139972 McClintock v. McClintock
B149251 Crystal Towers v. Prudential

Argument waived, cause submitted.

B149675 People
 v.
 Mazurette

Merits:

Argued by Laura Hartquist, Deputy Attorney General for respondent and by Katharine Greenbaum for appellant. Cause argued, submission deferred.

B155780 People
 v.
 Francisco N.

Merits:

Argued by Katherine Kohm, Deputy Attorney General for respondent and by Jerry Sies for appellant. Cause submitted.

DIVISION TWO (Continued)

B153439 Brauner
 v.
 Gauthier-Washington, et al.

Merits:
Argued by Lawrence Trygstad for appellant and by Daphne Anneet for respondents. Cause submitted.

B152586 Brouman
 v.
 Tenet

Merits:
Argued by Lisa Kantor for appellant and by Robert Layton for respondent. Cause submitted.

B148798 Hobdy
 v.
 Gaylor, et al.

Merits:
Argued by Damon Hobdy for respondent and by Vip Bhola for appellant Ruby Jane Gaylor and by Richard Foster for appellant Richard Foster. Cause submitted.

B152581 Delug
 v.
 Delug

Merits:
Argued by Michael Brouman for respondent and by Alexandra Leichter for appellant. Cause submitted.

B153147 Kirkpatrick, et al.
 v.
 W.J. Gallagher & Co., et al.

Merits:
Argued by Edna Wenning for respondents and by Julie Nong for appellants. Cause submitted.

DIVISION TWO (Continued)

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Joyce Hatter, Deputy Clerk.

Each of the following:

B151165 People v. Valdez
B151318 People v. Martinez
B151306 People v. Sosa
B156968 People v. Ruiz
B153475 People v. Hernandez and Licon
B156099 DCFS v. Pamela M.
B158457 DCFS v. Patricia H.
B156761 DCFS v. Daniel R.
B153681 DCFS. v. Martha W.
B157657 DCFS v. Shirelee M.
B155814 DCFS v. Doug A.

Argument waived, cause submitted.

B157717 Los Angeles County, D.C.F.S.
 v.
 Axel R.

Merits:

Argued by Jacquelyn Louie, Deputy County Counsel for respondent and by Tyne Orren for appellant. Cause submitted.

B153203 McCashin, et al.
 v.
 Rucker, et al.

Merits:

Argued by James McCashin, II for appellants and by Fred Rucker for appellants. Cause submitted.

DIVISION TWO (Continued)

B150378 Cofino
 v.
 Boatwright Certified Inspection, Inc.

Merits:
Argued by David Gernsbacher for appellant and by Michael Magnuson for respondent. Cause submitted.

B150598 Bear Stearns & Co., et al.
 v.
 Weinberg, et al.

Merits:
Argued by Kimberly Wong for respondents and by Leonard Steiner for appellants. Cause submitted.

B160628 M.D.
 v.
 Superior Court, Los Angeles County
 (James, r.p.i.)

Merits:
Argued by Janet Keuper for petitioner and by Stephen Moore for real party in interest. Cause submitted.

B149893 National Union Fire Ins. Co.
 v.
 TKA Express, Inc.

Merits:
Argued by Kermit Sprang for respondent and by Daniel J. Koes for appellant. Cause submitted.

B140976 Webster, et al.
 v.
 Kopyov, et al.

Merits:

Argued by David Harney for appellants and by John Weber for respondent, Kopyov and by David Ozeran for respondent Jacques. Cause submitted.

Court adjourned

October 24, 2002 (Continued)

DIVISION FOUR

B154099 Najera (Not for Publication)
v.
County of Los Angeles King Drew Medical Center

The judgment (orders granting summary judgment and denying motion to vacate) is affirmed. Respondent is awarded costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B154261 People (Not for Publication)
v.
Bernardo S.

The judgment is reversed, and the cause remanded to the trial court with directions to dismiss the petition.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B153208 James Mitchell (Not for Publication)
v.
Pacific Coast Reproductive Center

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B150100 People
v.
Luis Antonio Ramirez

Appellant's petition for rehearing is denied. Justice Mosk would grant.

DIVISION SIX

B152582 Sully-Miller Contracting Co. (Certified for Publication)
v.
Gledson/Cashman Construction, Inc., et al.

The judgment is reversed. Appellants are awarded costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B154493 City of Orange, et al. (Certified for Publication)
v.
San Diego County Employees Retirement Association

The judgment is affirmed. Costs on appeal are awarded to respondents.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B154305 The People (Certified for Publication)
v.
Brian K.

We reverse and remand so the trial court may exercise its discretion as it sees fit to impose a fine under appropriate statutory provisions. The order imposing the fine is stricken. In all other respects the order finding a violation of probation is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (Continued)

B151110 People (Not for Publication)
v.
Flores

The judgment is reversed. The case is remanded to the trial court with instructions to permit Flores to withdraw his plea and receive an evidentiary hearing on his motion to suppress. (*People v. Miller* (1983) 33 Cal.3d 545, 556.)

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B149916 People (Not for Publication)
v.
Reeder

The judgment is modified to reduce the laboratory fee under Health and Safety Code 11372.5, subdivision (a), from \$100 to \$50, and to include penalty assessments of \$50 and \$35, respectively, under Penal Code section 1464, subdivision (a) and Government Code section 76000. The superior court shall prepare an amended abstract and forward it to the Department of Corrections. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B153593 People
v.
Delira

Filed order denying petition for rehearing.

DIVISION EIGHT

B159527 Department of Alcoholic Beverage Control (Not for Publication)
v.
Alcoholic Beverage control Appeals Board
(The Southland Corporation et al., r.p.i.)

Judgment is hereby entered reversing the decision of the Board and affirming the decision of the Department. The matter is remanded to Department for further proceedings with this opinion. The parties are to bear their own costs in this writ proceeding.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.